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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.23247 OF 2005

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Between:

Smt. M.Saravva and another . . .Petitioner

And

The Commissioner for Workmen's compensation

And others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.23247 OF 2005

O R D E R:

The petitioners are the dependents of late Ilaiah, who was employed with the second respondent. He died in an accident. Thereupon, the petitioners filed W.C.Nos.78 of 2003 and 6 of 2002 under the Workmen Compensation Act, before the first respondent. A sum of Rs.2,47,159/- was awarded as compensation together with interest. The third respondent, who is the insurer, deposited a sum of Rs.3,09,006/-. The first respondent apportioned the amount between the petitioners, who are wife and mother respectively of the deceased employee. A sum of Rs.2,00,000/- was directed to be kept in deposit in favour of the 1st petitioner and a sum of Rs.25,000/- in favour of the 2nd petitioner. Both of them were paid an amount of Rs.59,000/- and Rs.25,000/- respectively.

The petitioners filed an application before the 1st respondent for release of the amount kept in fixed deposits explaining their financial hardships. The 1st respondent passed an order, dated 26-07-2005, stating that the amounts would be released to the petitioners only after maturity of the fixed deposits. The petitioners challenge the same.

Heard the learned counsel for the petitioners and the learned Government Pleader for Labour.

Having determined the entitlement of the petitioners to be paid the compensation, the first respondent apportioned the amount between them. Out of a sum of Rs.3,09,006/- deposited to the credit of the case, he directed a sum of Rs.2,00,000/- and Rs.25,000/- respectively to be deposited in the names of the petitioners. While the deposit of Rs.2,00,000/- in favour of the 1st petitioner

was up to 2009, the one in the name of the 2nd petitioner was up to 2007. The petitioners expressed their difficulties by filing an application. The first respondent was under an obligation to examine the same and pass appropriate orders. Simply because, the deposits are up to future date, he ought not to have rejected the application. In the present days of reduced rates of interest, the petitioners cannot be expected to live solely on the meager interest derived out of the deposited amounts.

Hence, the impugned order is set aside and the matter is remanded to the first respondent for passing fresh orders, duly taking into account the grievance put forward by the petitioners, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

28th OCTOBER, 2005.

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